

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY	
Michael D. Malloy (MM-5196) FINESTEIN & MALLOY, L.L.C. 70 South Orange Avenue Suite 115 Livingston, New Jersey 07039 Telephone: (973) 635-4500 Telecopy: (973) 635-4543 Counsel for Defendant, Mohammad Asif, M.D.	
In Re:	
BAYONNE MEDICAL CENTER,	
	Debtor.
BAYONNE MEDICAL CENTER,	
	Plaintiff,
v.	
MOHAMMAD ASIF, M.D.,	
	Defendant.

Chapter 11 Case

Case No. 07-15195 (MS)

Adv. Pro. No. 09-1656

**APPLICATION FOR ENTRY OF CONSENT ORDER: A) REOPENING ADVERSARY
PROCEEDING; AND B) VACATING FINAL JUDGMENT BY DEFAULT**

Defendant, Mohammad Asif, M.D. (the "Applicant"), by and through its undersigned counsel, hereby requests entry of the Consent Order submitted herewith (the "Application") for the purpose of reopening this closed adversary proceeding and vacating the final judgment by default that was entered against Applicant. In support of this Application, Applicant respectfully states:

1. Final Judgment by Default was entered against the Applicant on August 12, 2009.

2. Applicant thereafter received a copy of the Final Judgment. However, Applicant was never served with the Summons and Complaint in this matter.

3. Applicant reasonably believes, based upon a review of the Certification of Service filed by plaintiff's counsel, that the Summons and Complaint (as well as subsequent pleadings and papers in the matter) were addressed to 9 Cubberly Place, Staten Island, New York. Applicant resides at 2 Cubberly Place, Staten Island, New York.

4. Applicant, through counsel, brought the foregoing facts to the attention of plaintiff's counsel and plaintiff's counsel has consented to vacation of the Final Judgment. In the interim, however, on August 25, 2009, this adversary case was closed.

5. Accordingly, Applicant respectfully requests the reopening of the adversary proceeding in order to vacate the Final Judgment. It is Applicant's understanding that following the entry of the Order submitted, plaintiff's counsel shall cause an alias Summons to be issued. The undersigned has agreed to accept service of the alias Summons and the Complaint on behalf of Applicant.

6. Applicant respectfully submits that relief from the Final Judgment is justified and appropriate under F.R.C.P. 60(b)(1), (4) and (6), as made applicable to this adversary proceeding by F.R.B.P. 9024.

WHEREFORE, Applicant, Mohammad Asif, M.D., respectfully requests entry of the Consent Order submitted herewith.

FINESTEIN & MALLOY, L.L.C.
Attorney for Defendant,
Mohammad Asif, M.D.

Dated: October 1, 2009

By: /s/ Michael D. Malloy
Michael D. Malloy (MM-5196)